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November 17, 2020

By ECFThe Honorable Edgardo Ramos
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007MATTHEW W. ABBOTT
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*NOT ADMITTED TO THE NEW YORK BAR

Kraft Foods Group Brands LLC v. Bega Cheese Ltd., No. 1:17-cv-08104 (S.D.N.Y.)

Dear Judge Ramos:

We are writing on behalf of Petitioner Kraft Foods Group Brands LLC ("Kraft") and Respondent Bega Cheese Limited ("Bega"), in response to this Court's order entered on November 10, 2020 (the "Order"), to provide the following joint status report.

On November 13, 2020, the High Court of Australia denied Kraft's request for leave to appeal the appellate court's decision determining the issue of ownership of the peanut butter trade dress. Kraft is currently considering its options in light of this recent development. Proceedings in the trial court, which have been on hold as Kraft pursued a further appeal of the appellate court's decision, will be restarted for an assessment of damages. Once all of the proceedings in Australia are concluded, Kraft will be in a position to determine what (if any) issues it believes remain to be arbitrated in the International Centre for Dispute Resolution. Bega's position is that Kraft, which ceased selling peanut butter in Australia following the appellate court's April 2020 decision, which is now final, has waived its right to arbitrate and that nothing remains to be arbitrated.

Hon. Edgardo Ramos

Respectfully submitted,

/s/ Darren W. Johnson

Darren W. Johnson

cc: Fran M. Jacobs, Esq. (via ECF)
Lewis R. Clayton, Esq. (via ECF)